

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-10-03)**  
**GLACIER WEST ONE BANK**  
**APRIL 20, 2010**

A report to the Flathead County Board of Adjustment regarding a request by Glacier West One LLC for a conditional use permit to allow for multiple principal uses on one tract of land in the Evergreen zoning district.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on May 4, 2010, beginning at 6:00 Pm in the 2<sup>nd</sup> floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located in the Earl Bennett Building at 1035 First Avenue West in Kalispell.

**I. APPLICATION REVIEW UPDATES**

**A. Land Use Advisory Committee/Council**

The proposed land use is not with the advisory jurisdiction of a specific local land use advisory committee.

**B. Board of Adjustment**

The Flathead County Board of Adjustment will hold a public hearing on the proposed land use on May 4, 2010. This space is reserved for a summary of the Flathead County Board of Adjustment's discussion and decision at that hearing.

**II. GENERAL INFORMATION**

**A. Application Personnel**

**i. Applicant/Landowner**

Glacier West One LLC  
P.O. Box 7758  
Kalispell, MT 59904

**ii. Technical Assistance**

Colleen Donohue  
Johnson, Berg, McEvoy & Bostock PLLP  
P.O. Box 3038  
Kalispell, MT 59903

Mark T. Johnson  
Mark T. Johnson Architect, Ltd.  
680 Stone Street  
Kalispell, MT 59901

## B. Property Location and Size

The subject property is located at the northwest corner of West Reserve Drive and Highway 2 East in Evergreen (see Figure 1 below). The address of the property is 2604 Highway 2 East, and can be legally described as Tract 1AK in the SE ¼ SW ¼ of Section 28, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

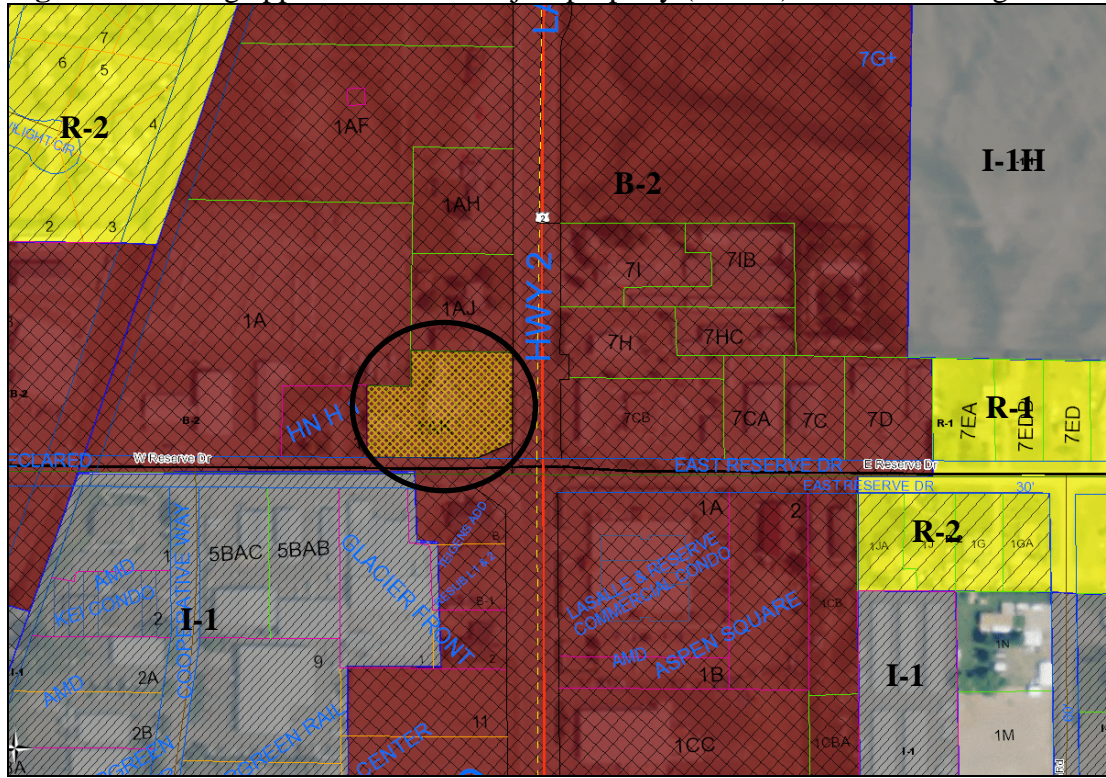
**Figure 1:** Subject property highlighted in yellow.



### C. Existing Land Use(s) and Zoning

The property is located in the Evergreen zoning district and is currently zoned B-2 General Business (see Figure 2 below), defined as a district “to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage and/or sale of merchandise, by major repair of motor vehicles, and by outdoor commercial amusement and recreational activities. This district should also serve the general needs of the tourist and traveler” [FCZR Section 3.17.010]. The subject property was formerly a gas station with associated convenience store and car wash. The convenience store has since been converted into two separate office spaces, one housing West One Bank and the other Glacier Insurance. The car wash remains on the property and continues to operate as a separate business.

**Figure 2:** Zoning applicable to the subject property (circled) and surrounding area.



regulations. Furthermore, none of these three uses could be considered subordinate, or accessory, to any of the others. As a result, the three separate commercial uses on the subject property are considered principal uses according to the zoning regulations. Section 3.03.020 (3) of the Flathead County Zoning Regulations states *“Except as otherwise specified in these regulations, only one principal use shall be allowed per tract of record in the following zones: AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1 and B-1. Multiple uses may be allowed on single lots in other zoning districts upon the issuance of a conditional use permit.”*

The last sentence of this section of the zoning regulations is of particular importance, as it clearly indicates that in zones such as B-2, multiple principal uses **may** be allowed subject to an approved conditional use permit. The applicant submitted a request for a conditional use permit to allow multiple principal uses on the subject property, to comply with the zoning in place and enable them to record their DUO documents, which would allow them to create condominiums on the property.

#### **F. Compliance With Public Notice Requirements**

Notification was mailed to property owners within 150 feet of the subject property on April 12, 2010. Legal notice of the public hearing on this application will be published in the April 18, 2010 edition of the Daily Interlake.

#### **G. Agency Referrals**

Referrals were sent to the following agencies on March 15, 2010:

- Flathead County Public Works/Road Department
  - Reason: The property has direct access onto West Reserve Drive, which may impact County facilities.
- Montana Department of Transportation
  - The property has direct access onto both Highway 2 East and West Reserve Drive, a state secondary highway.
- Evergreen Water & Sewer District
  - Reason: The property is located within the public water and sewer district.
- Evergreen Fire District
  - Reason: The property is located within the department's jurisdiction.
- City of Kalispell Planning Department
  - The property is located in relative close proximity to the city of Kalispell.

### **III. COMMENTS RECEIVED**

#### **A. Public Comments**

As of the date of the completion of this staff report, no public comments have been received regarding the proposed camp and retreat center.

#### **B. Agency Comments**

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- David Prunty and Guy Foy, Flathead County Road Department
  - The County Road Department does not have any concerns regarding this proposal.
- James Freyholtz, Montana Department of Transportation
  - The owners have already received approval from MDT to modify the existing approaches onto Highway 2 and West Reserve.
  - The modifications reduced traffic conflicts with Highway 2 and West Reserve, thus improving the safety of traffic ingress and egress movements for the property.
- Roberta Struck, Evergreen Water & Sewer District
  - The conditional use permit request does not change anything for the district.
  - Water service is currently provided to the bank and office, and the car wash utilizes a well.
  - May have problems providing services to additional buildings, as the owner/developer would have to obtain a permit from MDOT to dig up the main line along West Reserve and provide a water tap.
- Craig Williams & Ben Covington, Evergreen Fire Rescue
  - Upon review of the application, Evergreen Fire Rescue has determined that all fire requirements have been met at this time and will provide fire services.
- Sean Conrad, City of Kalispell Planning Department
  - General comments on landscaping, parking and circulation with regard to appropriate site design.
- James Chilton, Flathead County Solid Waste District
  - The Solid Waste District views no negative impact with solid waste issues at this time.
  - The District requests all solid waste be hauled by a private hauler; Evergreen Disposal is the licensed Public Service Commission (PSC) Licensed hauler in this area.

#### **IV. CRITERIA REQUIRED FOR CONSIDERATION**

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

##### **A. Site Suitability**

##### **i. Adequate usable space**

The subject property is approximately 1.3 acres in size. The site plan provided with the application materials shows that, in addition to the existing buildings onsite, the property is able to accommodate the parking required for the financial institution and insurance office as well as adequate circulation for these two uses and the car wash. With the exception of the car wash, the proposal complies with the bulk and dimensional requirements of the B-2 zoning in place. The structure that houses the car wash currently encroaches into the rear setback, but was in existence prior to the adoption of the Evergreen



Zoning District (July 17, 1990) and is therefore a “grandfathered” non-conforming use/structure. No new development is proposed with this application. The application states that when the gas station and convenience store were converted, the site layout was redesigned to better accommodate parking and provide safer circulation onsite.

**ii. Adequate access**

The subject property has existing approved access onto US Highway 2 East and West Reserve Drive, a state secondary route. There are three separate approaches from the property onto West Reserve and one approach onto US Highway 2. This approach is semi-controlled and allows only right turn in, right turn out ingress and egress. Both Highway 2 and West Reserve are paved, in good repair, and were constructed to accommodate high traffic volumes, particularly at this intersection. Comment from the Montana Department of Transportation indicates all approaches have been reviewed and approved for the uses proposed.

**iii. Absence of environmental constraints**

The property is relatively flat, currently developed and there are no environmental constraints present such as floodplain, wetlands, or critical wildlife habitat. The application states that when the site was redesigned to accommodate the convenience store’s conversion, the underground fuel storage tanks were removed, to prevent impacts to the environment or any other public health and safety issues in the future.

**Finding #1** – The site is suitable for the multiple uses proposed because the property is currently developed in compliance with the applicable zoning regulations or has legal non-conforming status, is able to safely accommodate all parking and circulation required for the proposed uses onsite, has existing approved access onto both US Highway 2 East and West Reserve Drive, and is absent of environmental constraints.

**B. Appropriateness of design**

**i. Parking scheme**

Both the bank and insurance sales office require 1 parking space per 400 sq. ft. of gross floor area (FCZR Section 6.08). The site plan provided shows the building in which both services are housed totals 5,566 sq. ft., requiring 14 parking spaces. The drive-thru window proposed to serve the bank is able to stack four cars in each bay, which meets the requirements of Section 6.08.010 of the zoning regulations. While there are no specific guidelines for parking or stacking requirements for car washes, the site plan shows each car wash bay is able to stack up to three cars, and seven additional parking stalls have been dedicated to this commercial use. The site plan shows a parking area that is able to accommodate up to 63 vehicles at one time, either in designated stalls or in stacking bays (for drive-thru services). The proposed parking is more than adequate to service the multiple commercial uses proposed.

**ii. Traffic circulation**

The subject property has four existing approaches that have been reviewed and approved for the proposed commercial uses by the Montana Department of Transportation. There is a 'right in, right out' approach from US Highway 2 that allows south-bound traffic to enter and exit the property safely, while forcing north-bound traffic to utilize the controlled intersection on West Reserve Drive. The eastern-most approach onto West Reserve Drive has been similarly converted to a 'right in, right out' access point, to prevent conflict between traffic leaving the property and traffic utilizing the controlled intersection. The second approach onto West Reserve Drive is approximately 200 feet west of the intersection, and allows traffic to make left-hand turns onto West Reserve safely. The last approach onto West Reserve Drive functions primarily as an 'entrance only', directing traffic into the car wash facility. Onsite circulation is laid out in such a manner as to generally prevent conflict between parking cars and stacked traffic utilizing the drive-thru functions. Traffic to the existing car wash and bank drive-thru utilize a one-way drive to the west of the bank/office building leading to the middle approach onto West Reserve.

**Finding #2** – Parking and traffic circulation on the subject property is acceptable because there is enough parking present to accommodate the proposed multiple uses and because the property's existing, approved accesses onto US Highway 2 and West Reserve Drive have been designed to safely and efficiently accommodate the traffic resulting from the multiple uses, and have been reviewed and approved by MDOT.

**iii. Open space**

There are no restrictions on permitted lot coverage in a B-2 zoning district. The subject property is approximately 58,000 sq. ft. in size, with 8,813 sq. ft. in built area for lot coverage totaling roughly 15%. When the gas station/convenience store was converted into a bank/insurance office, the new site plan incorporated over 14,000 sq. ft. of landscaping onsite. The resulting open space covers nearly 25% of the subject property.

**iv. Fencing/screening**

A chain link fence is located on the west property boundary and serves to screen the adjacent building supply company from the car wash and bank/insurance sales building. The fence is 6 feet tall and compliant with the existing B-2 zoning regulations. A landscaped buffer of varying widths extends along the property boundary on all sides.

**v. Landscaping**

Landscaping in the form of pervious surface material and vegetative cover exists as shown on the site plan, located around the perimeter of the property as well as adjacent to the bank/insurance sales building.

**Finding #3** - The proposed open space, fencing and landscaping are acceptable because B-2 zoning does not limit lot coverage, the surrounding land uses are similarly commercial and do not require significant screening or landscaping, and because the existing landscaping and open space exceed the requirements of the zoning regulations for a commercial property.

**vi. Signage**

Free-standing signage for both the bank/insurance sales office as well as for the car wash currently exists on the subject property. A free-standing sign is located at the intersection of West Reserve and US Highway 2; a pole sign directing traffic to the bank drive-thru is located near the entrance on US Highway 2, and directional signage for the car wash is located along West Reserve Drive. Based on the property's dual frontage on US Highway 2 East and West Reserve Drive, the signage on the property appears compliant with Section 5.11 of the zoning regulations guiding location, setback and maximum allotted square footage for signage on the property. All future signage will be required to comply with this section of the Flathead County Zoning Regulations.

**vii. Lighting**

Lighting on the subject property is located along the perimeter of the parking areas. Lighting has been located in such a manner and shielded so that light directs downward and does not extend offsite beyond the property boundaries. All existing and future lighting will be required to comply with Section 5.12 of the Flathead County Zoning Regulations.

**Finding #4** – Signage and lighting for the multiple commercial uses exist on the property and are acceptable because both the signage and lighting are appropriate given the surrounding commercial area and comply with the applicable zoning regulations.

**C. Availability of Public Services and Facilities**

**i. Sewer**

The subject property is currently served by the Evergreen Water and Sewer District. Comments received from the District indicate service will continue to be provided to the existing structures; however, new construction onsite would require permits be obtained from MDT for any additional service connections off of West Reserve Drive.

**ii. Water**

The bank and insurance sales office are currently served by the Evergreen Water and Sewer District, while the car wash utilizes a private well onsite. Comments from the District indicate service will continue to be provided to the existing structures. Similar to sewer utility requirements outlined in Section IV(c)(i) above, any new construction onsite would require permits be obtained from MDT for additional service connections off of West Reserve Drive.



**Finding #5** – Public services and facilities are available and adequate to provide service to the subject property and multiple uses proposed because the property is located within the Evergreen Water and Sewer District and comment from the District indicates they are able to serve the existing structures onsite with the exception of the car wash, which would continue to utilize a private well and would have no impact on the provision of public services.

**iii. Storm Water Drainage**

The subject property currently manages all stormwater run-off onsite using sub-surface drainage facilities. Additional landscaping incorporated into the new site design helps further manage stormwater by allowing run-off from impervious surfaces and snowmelt to naturally dissipate into the soils.

**Finding #6** - Stormwater has been addressed and proposed drainage appears adequate because no additional development is proposed and the property currently manages run-off from all existing impervious surfaces onsite using sub-surface drainage facilities.

**iv. Fire Protection**

The subject property is located within the Evergreen Fire District; the nearest fire station is located approximately one mile south on Highway 2. The property is easily accessible from both US Highway 2 and West Reserve Drive in the event of an emergency. Comment received from the Evergreen Fire District indicates the property has met all fire requirements and that service will be provided.

**v. Police Protection**

The subject property is served by the Flathead County Sheriff's Department, and is located in an urban area of the County where quick response times are anticipated.

**vi. Streets**

As previously stated, the subject property has direct access onto both US Highway 2 East and West Reserve Drive. These roads are paved, in good repair, and were developed with appropriate lane configurations and traffic control devices to accommodate high traffic volumes, including any additional traffic generated by the multiple principal uses proposed.

**Finding #7** – Impacts to public services would be minimal because the property is in an urban/suburban area of the county served by the Evergreen Fire District and the Flathead County Sheriff, and has direct access onto paved public roads that would be able to physically accommodate the amount of traffic generated by the proposal.

## **D. Immediate Neighborhood Impact**

### **i. Excessive traffic generation**

The change in use that has occurred on the property, from a gas station/convenience store to a proposed bank and insurance sales office, results in a significant reduction in the number of trips generated by this proposal. The application states that vehicle trips generated during peak time for a gas station/convenience store totaled 62.6 trips per hour; this figure is generally consistent with the trip generation calculations for a service station and convenience market identified in the Institute of Transportation Engineers Trip Generation Manual (TGM; 5<sup>th</sup> Edition). The application goes on to state the proposed bank and insurance sales office would generate 27.3 trips per hour combined during peak time, reducing the number of trips generated to and from the property by over half. No change is anticipated in the number of trips generated by the existing car wash, as the use has been in place for over 30 years. The TGM approximates 108 vehicle trips per day, on average, for a self-service car wash with four stalls. Each of the proposed commercial uses are listed as permitted uses (on an individual basis) under the existing B-2 zoning, and traffic generation is expected to be of a nature and volume consistent with the surrounding commercial uses in the area.

**Finding #8** - Impacts to the surrounding neighborhood as a result of the proposed multiple uses would be acceptable because the amount of traffic generated by the bank and sales office will be less than the amount of traffic generated by the former gas station/convenience store, there will be no change in the amount of traffic generated by the existing car wash, and because the commercial uses and resulting traffic are consistent with the B-2 zoning in place and the character of the area in general.

### **ii. Noise or vibration**

The property is located at the intersection of US Highway 2 East and West Reserve Drive, an area that experiences high traffic volume and where road noise is prevalent. The multiple uses proposed on the subject property would not generate noise or vibration that is out of character with the surrounding area.

### **iii. Dust, glare or heat**

The parking area to serve the proposed uses has been paved to mitigate any impacts resulting from dust onsite. While pavement does increase the amount of heat generated, the property has been landscaped along the perimeter and adjacent to the banking/office building to mitigate this increase. This landscaping would also help reduce the amount of glare resulting from the building and parked vehicles onsite.

### **iv. Smoke, fumes, gas, or odors**

The commercial uses proposed would not generate significant smoke, fumes, gas or odors that are out of character with the surrounding commercial area.

**Finding #9** - Impacts resulting from the proposed multiple uses on the subject property would be acceptable because the uses will not generate smoke, fumes, gas, or odors; the noise or vibration resulting from the proposed uses will not be out of character with the surrounding area; and because paving and landscaping onsite lessen the impacts resulting from dust, glare and heat on the property.

**v. Inappropriate hours of operation**

The application states that the former gas station/convenience store operated 24 hours a day; in contrast, the proposed bank and insurance sales office would operate during standard business hours. The operating hours for the car wash would remain the same as they have for the past 30 years. It is anticipated all uses on the subject property would *generally* operate between 7 a.m. and 8 p.m. These hours of operation are appropriate and would be compatible with the surrounding commercial uses in the area.

**Finding #10** - There would be no significant impact resulting from the proposed hours of operation for the multiple uses on the subject property because the uses would operate during standard business hours, and these hours are typical of other commercial businesses operating in the area.

**V. SUMMARY OF FINDINGS**

**Finding #1** – The site is suitable for the multiple uses proposed because the property is currently developed in compliance with the applicable zoning regulations or has legal non-conforming status, is able to safely accommodate all parking and circulation required for the proposed uses onsite, has existing approved access onto both US Highway 2 East and West Reserve Drive, and is absent of environmental constraints.

**Finding #2** – Parking and traffic circulation on the subject property is acceptable because there is enough parking present to accommodate the proposed multiple uses and because the property's existing, approved accesses onto US Highway 2 and West Reserve Drive have been designed to safely and efficiently accommodate the traffic resulting from the multiple uses, and have been reviewed and approved by MDOT.

**Finding #3** - The proposed open space, fencing and landscaping are acceptable because B-2 zoning does not limit lot coverage, the surrounding land uses are similarly commercial and do not require significant screening or landscaping, and because the landscaping and open space exceed the requirements of the zoning regulations for a commercial property.

**Finding #4** – Signage and lighting for the multiple commercial uses exist on the property and are acceptable because both the signage and lighting are appropriate given the surrounding commercial area and comply with the applicable zoning regulations.

**Finding #5** – Public services and facilities are available and adequate to provide service to the subject property and multiple uses proposed because the property is located within the Evergreen Water and Sewer District and comment from the District indicates they are

able to serve the existing structures onsite with the exception of the car wash, which would continue to utilize a private well and would have no impact on the provision of public services.

**Finding #6** - Stormwater has been addressed and proposed drainage appears adequate because no additional development is proposed and the property currently manages run-off from all existing impervious surfaces onsite using sub-surface drainage facilities.

**Finding #7** – Impacts to public services would be minimal because the property is in an urban/suburban area of the county served by the Evergreen Fire District and the Flathead County Sheriff, and has direct access onto paved public roads that would be able to physically accommodate the amount of traffic generated by the proposal.

**Finding #8** - Impacts to the surrounding neighborhood as a result of the proposed multiple uses would be acceptable because the amount of traffic generated by the bank and sales office will be less than the amount of traffic generated by the former gas station/convenience store, there will be no change in the amount of traffic generated by the existing car wash, and because the commercial uses and resulting traffic are consistent with the B-2 zoning in place and the character of the area in general.

**Finding #9** - Impacts resulting from the proposed multiple uses on the subject property would be acceptable because the uses will not generate smoke, fumes, gas, or odors; the noise or vibration resulting from the proposed uses will not be out of character with the surrounding area; and because paving and landscaping onsite lessen the impacts resulting from dust, glare and heat on the property.

**Finding #10** - There would be no significant impact resulting from the proposed hours of operation for the multiple uses on the subject property because the uses would operate during standard business hours, and these hours are typical of other commercial businesses operating in the area.

## **VI. RECOMMENDATION**

Upon review of this application, the request for multiple commercial uses on the subject property is supported by the review criteria and all 10 Findings of Fact listed above. Staff therefore recommends that the Flathead County Board of Adjustment adopt staff report FCU-10-03 Glacier West One LLC as findings of fact and approve the conditional use permit, subject to the following 5 conditions:

## **VII. CONDITIONS**

1. The operation of three (3) principal commercial uses on the subject property shall be in substantial conformance with the original application and site plan submitted and approved by the Board of Adjustments.
2. Changes or modifications to the approved use(s) or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustments.

3. All signage on the subject property shall comply with all applicable standards and guidelines for a B-2 zone set forth in Section 5.11 of the Flathead County Zoning Regulations.
4. All parking on the subject property shall comply with the applicable requirements, special conditions and design standards found in Chapter 6: Parking and Loading in the Flathead County Zoning Regulations.
5. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.